



General Assembly

January Session, 2013

Raised Bill No. 1145

LCO No. 4777



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING REVISIONS TO THE COMMON INTEREST
OWNERSHIP ACT AND THE CONDOMINIUM ACT.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 20-458 of the general statutes is amended by
2 adding subsection (c) as follows (*Effective October 1, 2013*):

3 (NEW) (c) An association's board of directors, as defined in section
4 47-68a, or executive board, as defined in section 47-202, shall ensure
5 that any community association manager under contract to provide
6 association management services to an association provides such
7 services in full compliance with the association's bylaws, as well as the
8 provisions of chapters 825 and 828, as applicable.

9 Sec. 2. Subdivision (5) of subsection (b) of section 47-250 of the
10 general statutes is repealed and the following is substituted in lieu
11 thereof (*Effective October 1, 2013*):

12 (5) Unless [the meeting is included in a schedule given to the unit
13 owners or the] a meeting is called to deal with an emergency, the

14 secretary or other officer specified in the bylaws shall give notice of
15 each executive board meeting to each board member and to the unit
16 owners. The notice shall be given at least five days before the meeting
17 and shall state the time, date, place and agenda of the meeting, except
18 that notice of a meeting called to adopt, amend or repeal a rule shall be
19 given in accordance with subsection (a) of section 47-261b.

20 Sec. 3. Subsection (c) of section 47-252 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2013*):

23 (c) Except as otherwise provided in the declaration or bylaws, the
24 following requirements apply with respect to proxy voting:

25 (1) Votes allocated to a unit may be cast pursuant to a directed or
26 undirected proxy duly executed by a unit owner;

27 (2) The association shall provide a proxy form to any unit owner
28 who seeks to vote pursuant to a directed or undirected proxy;

29 (3) If a vote is taken by ballot, any ballot cast by a directed or
30 undirected proxy holder shall not include the name of the proxy
31 holder;

32 ~~[(2)]~~ (4) If a unit is owned by more than one person, each owner of
33 the unit may vote or register protest to the casting of votes by the other
34 owners of the unit through a duly executed proxy;

35 ~~[(3)]~~ (5) A unit owner may revoke a proxy given pursuant to this
36 section only by actual notice of revocation to the person presiding over
37 a meeting of the association;

38 ~~[(4)]~~ (6) A proxy is void if it is not dated or purports to be revocable
39 without notice;

40 ~~[(5)]~~ (7) A proxy terminates one year after its date, unless it specifies
41 a shorter term; and

42 ~~[(6)]~~ (8) A person may not cast votes representing more than fifteen
43 per cent of the votes in the association pursuant to undirected proxies.

44 Sec. 4. Subdivision (1) of subsection (a) of section 47-260 of the
45 general statutes is repealed and the following is substituted in lieu
46 thereof (*Effective October 1, 2013*):

47 (1) Detailed records of receipts and expenditures affecting the
48 operation and administration of the association and other appropriate
49 accounting records, including, but not limited to, records relating to
50 reserve accounts;

51 Sec. 5. Subsection (d) of section 47-255 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective*
53 *October 1, 2013*):

54 (d) Insurance policies carried pursuant to subsections (a) and (b) of
55 this section shall provide that: (1) Each unit owner is an insured person
56 under the policy with respect to liability arising out of his interest in
57 the common elements or membership in the association; (2) the insurer
58 waives its right to subrogation under the policy against any unit owner
59 or member of his household; and (3) no act or omission by any unit
60 owner, unless acting within the scope of his authority on behalf of the
61 association, will void the policy or be a condition to recovery under the
62 policy. [; and (4) if, at the time of a loss under the policy, there is other
63 insurance in the name of a unit owner covering the same risk covered
64 by the policy, the association's policy provides primary insurance.]

65 Sec. 6. Section 47-253 of the general statutes is amended by adding
66 subsection (e) as follows (*Effective October 1, 2013*):

67 (NEW) (e) No member of the executive board or officer of the
68 association shall be criminally liable for any conduct performed on
69 behalf of the association, provided the conduct is within the scope of
70 such member's or officer's authority.

71 Sec. 7. (NEW) (*Effective October 1, 2013*) No member of a board of
72 directors, as defined in section 47-68a of the general statutes, or officer,
73 as defined in section 47-68a of the general statutes, shall be criminally
74 liable for any conduct performed by the member on behalf of the
75 association of unit owners, as defined in section 47-68a of the general
76 statutes, provided the conduct is within the scope of such member's or
77 officer's authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	20-458
Sec. 2	<i>October 1, 2013</i>	47-250(b)(5)
Sec. 3	<i>October 1, 2013</i>	47-252(c)
Sec. 4	<i>October 1, 2013</i>	47-260(a)(1)
Sec. 5	<i>October 1, 2013</i>	47-255(d)
Sec. 6	<i>October 1, 2013</i>	47-253
Sec. 7	<i>October 1, 2013</i>	New section

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Section 1	<i>October 1, 2013</i>	20-458
Sec. 2	<i>October 1, 2013</i>	47-250(b)(5)
Sec. 3	<i>October 1, 2013</i>	47-252(c)
Sec. 4	<i>October 1, 2013</i>	47-260(a)(1)
Sec. 5	<i>October 1, 2013</i>	47-255(d)
Sec. 6	<i>October 1, 2013</i>	47-253
Sec. 7	<i>October 1, 2013</i>	New section

Statement of Purpose:

To: (1) Ensure that the services provided by a community association manager are in compliance with chapters 825 and 828 of the general statutes, (2) ensure that unit owners have adequate notice concerning the time, place, date and nature of board meetings, (3) ensure that the name of a proxy holder is not included on any vote by ballot, (4) provide unit owners with access to reserve account records, (5) eliminate the requirement that an insurance policy provide that the association's policy provides primary insurance, and (6) provide protections against criminal liability to an association's officers and executive board members.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]